

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 6, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 14, SJ 9, HB 231
1/25/2001
Executive Action: SB 289, SR 13, SR 5, SR 9

HEARING ON SR 14

Sponsor: SEN. DON HARGROVE, SD 16, Belgrade

Proponents: None

Opponents: None

The hearing began with **Jeff Hagener**, Director of Department of Fish, Wildlife, and Parks, **EXHIBIT(sts30a01)** telling the committee information about his past experience. **Mr. Hagener** stated his goals were to: (1) learn the variables involved in this position, (2) continue strong department, (3) continue to work with landowners, (4) reaching out to landowners in other areas, (5) work on crowding problems.

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER expressed concerns to **Jeff Hagener** about guides making streams inaccessible for fishing. **SEN. BOHLINGER** compared fishing on the Big Horn River to fishing in Times Square. **Mr. Hagener** responded that this was a concern to many people and he wanted the department to look at the entire state and how to deal with the outfitting businesses.

SEN. KEN TOOLE asked **Mr. Hagener** how he would balance the tension between the public and outfitters and where would his priority be? **Mr. Hagener** responded that his priority was in public management and public access. **Mr. Hagener** added that this situation would take a lot of negotiating with landowners.

SEN. ED BUTCHER asked **Jeff Hagener** if he had given any thought to an option similar to the New Mexico or Wyoming situation where the landowner gets a type of coupon for wild animals on the land? **Mr. Hagener** responded he was not familiar with those state programs, but he had been working with some bills to possibly give more permits to those areas. He added that the department was against paying money to reimburse landowners for damage created or costs incurred by wild animals.

SEN. JIM ELLIOTT told **Jeff Hagener** there had been some contention between landowners and the Department of Montana Fish, Wildlife, and Parks. **SEN. ELLIOTT** felt the special permits would not do anything to help the situation. **SEN. ELLIOTT** then asked **Jeff Hagener** how he felt about the efficacy of wildlife management compared to the ability of managing wildlife to reduce game populations compared to the weather? **Jeff Hagener** responded that there was a delicate balance in managing wildlife; there were instances where regardless of what the department would do, management would not do all that was intended to be done. **Mr. Hagener** added the department's primary target was to effectively manage wildlife through the seasons. He told the committee the department also needed to look at other methods such as in the Habitat for Montana program in providing habitat for the wildlife. **Mr. Hagener** added that "Mother-Nature" was the most

effective manager of those resources. **Jeff Hagener** said it was a delicate balance with the sportsmen wanting to have more game for more opportunities and the landowners wanting to have fewer wildlife on their land eating their feed.

SEN. PETE EKEGREN expressed concern to **Jeff Hagener** about ranchers not being allowed to protect their own property against wild animals such as bears, mountain lions, wolves for example.

SEN. EVE FRANKLIN asked **Jeff Hagener** if there was any data showing the balance between the outfitters and public access to the lands and how that would affect the wild game populations? **Jeff Hagener** responded there was data concerning the numbers of outfitters, but not concerning the impact on the public and ranchers' land.

SEN. BUTCHER expressed a concern with the field biologists to **Jeff Hagener** and asked if that was going to continue? **Mr. Hagener** responded he already planned on looking into those situations along with some restrictions on upland birds that were in place.

SEN. DON HARGROVE asked **Jeff Hagener** what the department's plans were concerning the ear-marked accounts that have been a problem in the past? **Jeff Hagener** replied he wanted to look at those accounts with the possibility of consolidating them.

SEN. HARGROVE asked **Jeff Hagener** because of the controversial nature of his position, how might he attempt to minimize controversy? **Jeff Hagener** answered that first of all, he planned outreach with various groups. Those groups had already contacted him and he was presently scheduling times to meet with them.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Jeff Hagener closed the hearing by telling the committee he would look forward to working with the legislature on trying to resolve issues of concern.

HEARING ON SJ 9

Sponsor: **SEN. VICKI COCCHIARELLA, SD 32, Missoula**

Proponents: **Mark Simonich, Director of Commerce**

SEN. STEVE DOHERTY, SD 24

Ian Marquand, Japan Friendship Club of Montana

Opponents: None

Opening Statement by Sponsor:

SEN. VICKI COCCHIARELLA, SD 32, Missoula, opened SJ 9 by telling the committee this resolution would celebrate the 20th birthday of the relationship between Montana and the Japanese town of Kumamoto. This bill would recognize the importance of the value of that relationship to us and the importance of the relationship to Montana. **EXHIBIT(sts30a02)** **SEN. COCCHIARELLA** distributed a letter from **Bob Brown**, Secretary of State, expressing his support for SJ 9.

Proponents' Testimony:

Mark Simonich, Director of the Department of Commerce, told the committee his department and the Governor's office supported this resolution. **Mark Simonich** said the relationship with Kumamoto had provided educational exchange opportunities. We also benefit from reciprocity in office space for members from Kumamoto.

SEN. STEVE DOHERTY, SD 24, said he supported SJ9 because of (1) the exchange of information and with issues such as mercury poisoning for example, and (2) the ability to talk about what could be done in the future. **SEN. DOHERTY** told the committee the friendship and generosity of spirit shown by the people in Kumamoto had been matched by the generosity of their pocketbooks. Montana had benefitted greatly from the experience and also economically from this relationship, he said. **SEN. DOHERTY** stated there was a need for honor and respect to the community of Kumamoto.

Ian Marquand, Japan Friendship Club of Montana, **EXHIBIT(sts30a03)** spoke about the relationship with Kumamoto. He also told the committee **Ambassador Mike Mansfield** requested an amendment stating that the name of his late wife be added to the first Whereas of the resolution.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. FRANKLIN asked **Ian Marquand** asked what could be done for Montana to reciprocate more fully to improve the relationship between Montana and Kumamoto? **Ian Marquand** said the Montana Club had made a large commitment to this relationship. He added that Montana had never reciprocated to the level that Japan had. **Mr.**

Marquand said it was the desire of the club for the state to do anything it could to increase participation and to further the relationship.

Closing by Sponsor: SEN. VICKI COCCHIARELLA, SD 32, closed on SJ9.

HEARING ON HB 231

Sponsor: REP. BOB LAWSON, HD 80, Whitefish

Proponents: John Semple, Montana Fire Alliance

Opponents: None

Opening Statement by Sponsor:

REP. BOB LAWSON, HD 80, Whitefish, said this bill would revise monthly pension for volunteer firefighters, raising the cap from \$175 to \$225 a month. REP. LAWSON **EXHIBIT(sts30a04)** explained where the money would come from for this bill.

{Tape : 2; Side : B; Approx. Time Counter : 0}

REP. LAWSON also told the committee about the Fire Department Relief Association **EXHIBIT(sts30a05)**.

Proponents' Testimony: John Semple, Montana Fire Alliance, expressed support for this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HARGROVE asked REP. LAWSON if he had talked to PERS or PERD about this? REP. LAWSON responded that he had contacted the aforementioned agencies and was told that this was a totally different retirement system.

Closing by Sponsor: REP. BOB LAWSON, HD 80, closed on HB 231.

EXECUTIVE ACTION ON SB 289

Motion: SEN. BOHLINGER moved that SB 289 DO PASS.

Discussion:

SEN. ELLIOTT said he had a concern about four groups not being included in this bill.

SEN. HARGROVE stated the groups included in the bill had attended the interim committee meetings dealing with this bill. In response to **SEN. ELLIOTT'S** concerns, **SEN. HARGROVE** said he feared the bill would be killed if the committee chose to add the other groups to the bill.

SEN. BUTCHER told the committee he was concerned about having 468 beneficiaries and only 419 contributing. He said this bill would add fiscal responsibilities to the state.

SEN. TOOLE asked if this bill could be amended since the title was very specific to which groups were included? **David Niss, legislative services**, answered there was a restriction in the constitution that would prevent a bill from being amended to take in a different purpose than for which the bill was introduced.

SEN. HARGROVE asked **SEN. TESTER** what his feelings were concerning the possibility of adding an amendment to this bill? **SEN. TESTER** responded that he firmly felt if an amendment were added to this bill, the bill would be dead.

Vote: Motion that **SB 289 DO PASS** carried 7-1 with Butcher voting no.

{Tape : 3; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON SR 13

Motion/Vote: **SEN. BOHLINGER** moved that **SR 13 BE ADOPTED**. Motion carried unanimously.

EXECUTIVE ACTION ON SR 5

Motion/Vote: **SEN. ELLIOTT** moved that **SR 5 BE ADOPTED**. Motion carried unanimously.

EXECUTIVE ACTION ON SR 9

Motion: **SEN. EKEGREN** moved that **SR 9 BE ADOPTED**.

Discussion:

SEN. TOOLE told the committee he was disturbed about the logging sales with the situations of continual litigation. He felt this was a sign of stubbornness and bad management.

SEN. FRANKLIN supported this confirmation in terms of forest management, but expressed concern about demonization of environmental groups. **SEN. FRANKLIN** said she felt **Mr. Clinch** had a narrow interpretation of the enabling act.

SEN. ELLIOTT stated there were environmental groups who oppose virtually every forest timber sale. He added that **Bud Clinch** was a capable and able administrator.

SEN. BOHLINGER told the committee that **Bud Clinch's** job as Director of the Department of Natural Resources and Conservation was a very difficult job being subject to criticism. **SEN. BOHLINGER** added that **Mr. Clinch** was responsible as a portfolio manager to get the highest rate of return. He said **Bud Clinch** brought with him a wealth of experience beneficial to this job.

SEN. EKEGREN said no matter what piece of land DNRC was taking care of, it seemed the environmental groups would fight against them on everything.

SEN. TOOLE added that environmental groups do litigate, but with good reason.

Vote: Motion that **SR 9 BE ADOPTED** carried 6-2 with **Franklin and Toole** voting no.

ADJOURNMENT

Adjournment: 12:00 P.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts30aad)